

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

United States of America
v.

MARKCOS HARRIS

Case No.

1:20-mj-0502

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 15, 2020 Marion in the
Southern District of Indiana, the defendant(s) violated:

Code Section

18 U.S.C. § 931

Offense Description

Possession of Body Armor by a Violent Felon

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

s/ Christopher G. Cooper

Complainant's signature

Christopher G. Coepr- Task Force Office, ATF

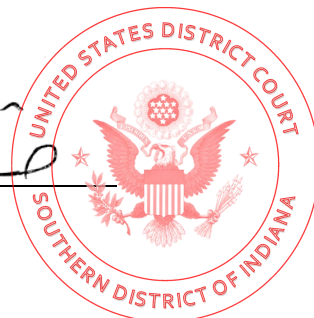
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by
telephone (reliable electronic means)

Date: 06/16/2020

City and state: Indianapolis, IN

Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana



AFFIDAVIT IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT

1. Your Affiant is a Task Force Officer (TFO) with the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), a component of the United States Department of Justice, and has served in that capacity since May of 2018. Your Affiant is currently assigned to the Indianapolis Group I Field Office – Achilles Task Force and is charged with investigating violations of federal firearms, explosives, and arson laws, as well as offenses enumerated in Titles 18 and 26 of the United States Code. Your Affiant is a Detective for the Indianapolis Metropolitan Police Department (IMPD) and has been employed with the IMPD since July 2009.

2. As a law enforcement officer, your Affiant has participated in investigations involving homicides, aggravated batteries, serious violent felons, firearms, drug trafficking, robberies, and financial crimes, among other matters. Your Affiant has also testified in judicial proceedings and prosecutions for violations of comparable state law. Your Affiant received their initial training at the Indianapolis Metropolitan Police Department Academy in 2009. Your Affiant has satisfied the minimum basic training requirements established by rules adopted by the law enforcement training board under I.C. 5-2-1-9 and described in I.C. 35-37-4-5. Your Affiant has received Operation Pipeline/Convoy Training (2013), Characteristics of an Armed Offender training (2014), Narcotics/Vice Undercover Detective school through IMPD (2016), Indiana Drug Enforcement Administration Moving Surveillance training (2016), Beyond the Traffic Stop training (2016), Quarterly Firearms Training (held in Indianapolis) and Yearly in-service training (held in Indianapolis).

3. This affidavit is submitted in support of a criminal complaint charging Markcos HARRIS (date of birth XX/XX/1987 and Social Security Number XXX-XX-7559) with unlawful possession of body armor by a violent felon in violation of Title 18, United States

Code, Section 931(a)(1). The information contained in the below numbered paragraphs is either personally known to your Affiant or told to your Affiant by other law enforcement officers.

Facts Supporting Probable Cause

4. On Monday, June 15, 2020, at approximately 2:30 pm, Detective Sergeant Gregory Kessie and Detective Christopher Cooper both of the Indianapolis Metropolitan Police Department (IMPD) were conducting surveillance near 2400 N. Hillside Avenue. Both Detectives were riding in the same undercover police vehicle. The Detectives' attention was drawn to a white Mercedes Benz two door vehicle. Detectives were aware of a vehicle matching this description that was involved in a recent shooting that occurred in Indianapolis under IMPD Case Number IP200051935. Detectives knew that the suspected shooter, Markcos HARRIS was believed to be operating and in possession of a white Mercedes Benz bearing Indiana license plate number: 455ZV. Detective Sergeant Kessie had viewed surveillance video of the incident and was familiar with the physical description of HARRIS.

5. Detectives observed the vehicle driven by a black male later identified as HARRIS exiting the New Bridges Apartment Complex located at Beckwith Drive and Hillside Avenue, in the Southern District of Indiana. Sergeant Kessie confirmed the license plate number as 455ZV. As the vehicle passed them Detective Sergeant Kessie could smell the odor of burnt marijuana. Detective Sergeant Kessie relayed the location of the vehicle to uniform IMPD Detectives Christopher Smilko and Sergio De Leon who were nearby. Both Detectives were wearing full IMPD police uniform and riding in the same marked IMPD patrol vehicle.

6. The vehicle approached Beckwith Drive and Hillside Avenue. The driver, HARRIS, first signaled southbound and then signaled at the last moment with his left turn signal before turning northbound out of the complex.

7. Detectives Smilko and De Leon observed the vehicle travelling northbound toward the intersection of 25th and Hillside Avenue. The vehicle failed to signal its intent to turn less than two hundred (200) feet before turning. HARRIS activated his right turn signal again just before turning eastbound on 25th Street.

8. Detective Smilko initiated his emergency lights and sounded his siren in order to conduct a traffic stop on the white Mercedes. HARRIS pulled his vehicle to the side of the road in the 2200 block of E. 25th Street. Detective Sergeant Kessie and Detective Cooper followed the vehicle to this location and assisted with a high risk stop. Based upon the violent nature of the offense HARRIS was a person of interest in, the occupants of the vehicle were ordered out.

9. HARRIS complied with the detectives' commands and walked back to Detective Sergeant Kessie and was placed in handcuffs near the driver's door of Detective Smilko's patrol vehicle. Detectives could smell the odor of marijuana on HARRIS' person.

10. Detective Sergeant Kessie observed a second occupant was in the front passenger seat of the vehicle. Detective Sergeant Kessie heard Detective C. Cooper give the passenger, later identified as Ashley A. Harmon, loud commands to drop what was in her hands. Detective C. Cooper yelled multiple times for Harmon to put down what was in her hands.

11. As Harmon was being uncooperative and still in the passenger seat of the vehicle, Detective Sergeant Kessie walked HARRIS to the rear of Detective Smilko's vehicle. Detective Sergeant Kessie observed that HARRIS was wearing body armor under his shirt.

12. After several moments, Ms. Harmon complied and exited the vehicle. Ms. Harmon was placed in handcuffs.

13. Detectives conducted a search of the vehicle and located a marijuana blunt in the cup holder of the center console, a working digital scale in Harmon's purse, two clear plastic bags containing synthetic marijuana under the front passenger seat, HARRIS's red Apple iPhone in the center console, and a Ruger, model LCP, 380 caliber handgun (serial number 371660651) in a clear plastic bag under the front passenger seat. Detective Cooper, an ATF Firearms Liaison, processed the handgun for DNA and fingerprints. The body armor HARRIS was wearing was United Shield body armor (serial number 199617).

14. Based on your affiant's training and experience, he is aware that the United Shield body armor which was located on HARRIS' person was not manufactured in the State of Indiana. By virtue of its presence in the State of Indiana, therefore, the body armor had to have been transported or shipped in interstate or foreign commerce.

15. HARRIS has sustained the following conviction for a violent crime punishable by more than one (1) year of imprisonment:

- a. Battery Resulting in Serious Bodily Injury (a C felony) under Henry County (Indiana) cause number 33C01-1107-FB-000006 on or about April 16, 2012;

Conclusion


18. Based on the facts set forth in this affidavit, your Affiant submits that probable cause exists that on June 15, 2020, in the Southern District of Indiana, Markcos HARRIS, knowingly committed unlawful possession of body armor by a violent felon in violation of Title 18, United States Code, Section 931(a)(1). I respectfully request this Court issue a Criminal Complaint charging HARRIS accordingly, along with a warrant for his arrest.

/s/ Christopher G. Cooper

Christopher G. Cooper, Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Attested to by the applicant in accordance with the requirements of Federal Rules of Criminal Procedure 4.1 and 41(d)(3) by reliable electronic means.

Dated: 06/16/2020



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

